

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SB INITIATIVE, INC,)	
)	Civil No. 3:24-cv-821
Plaintiff/Counter-Defendant,)	
)	DISTRICT JUDGE ELI J.
v.)	RICHARDSON
)	MAGISTRATE JUDGE BARBARA D.
CHEEKWOOD BOTANICAL GARDEN)	HOLMES
AND MUSEUM OF ART,)	
)	JURY DEMAND
Defendant/Counter-Plaintiff.)	

DECLARATION OF BETH MURDOCK

I, Beth Murdock, declare as follows:

1. I am over the age of 21 and am fully competent to testify regarding the facts set forth in this declaration. I am familiar with the facts and circumstances of the above-captioned proceeding, and make these statements based upon personal knowledge.

2. I am the Chief Operating Officer of Cheekwood Botanical Garden and Museum of Art (“Cheekwood”). I have held this role with Cheekwood since October 2013.

3. These facts stated below are true and correct to the best of my knowledge acquired in my capacity as the Chief Operating Officer (“COO”) of Cheekwood and from the records in Cheekwood’s office, and I would testify to their accuracy in a court of law if called upon to do so.

4. As COO of Cheekwood, I have read Cheekwood’s Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 17 Cheekwood’s “Motion”) and am familiar with its contents.

5. I have read SB Initiative, Inc. (“SBI”) Response to Cheekwood’s Motion including the vendor declarations attached to it. ECF Nos. 32 & 33.

6. The statements made by SBI in its Response with respect to my role and participation in the planning and preparation of the Swan Ball as Cheekwood’s COO are untrue. Likewise, SBI is wrong in claiming that Jane MacLeod, Cheekwood’s President and Chief Executive Officer, inaccurately described my role in her Declaration filed in support of Cheekwood’s Motion.

7. In particular, on page 28 of its Response, SBI states:

Contrary to Ms. MacLeod’s sworn statement, the COO of Cheekwood was never the “lead point person” on operations for “all logistics and production” and did not attend *any* preproduction or production meetings with event planners, did not review plans polices or conflicts, did not advise on access or vendor guidelines, parking transportation lighting or sound, etc.” (emphasis in original).

8. I have no idea why SBI would say this when emails over the years easily show SBI’s statement is demonstratively false.

9. Unfortunately, SBI’s misstatements about my role are also reflected in the declarations SBI has filed from some of the Swan Ball vendors and filed in support of its Response.

10. I have the utmost respect for Cheekwood’s vendors, our relationships, and the work we have done together for the Swan Ball over the years. I am disappointed that SBI has put them in the middle of this case, because the vendors may not know all the facts or appreciate how their declarations would be used. I understand that SBI is currently negotiating with some of these vendors for the 2025 Swan Ball SBI announced it is planning. I suspect many remain unaware of the lawsuit or appreciate the purpose for which they are being asked to sign such declarations.

11. I noted a number statements within these declarations that are clearly inaccurate. For example, SBI submitted a declaration from Dori Waller, the owner of The Social Office. ECF

33-16. Ms. Waller served as the Event Designer and/or Coordinator of Swan Ball for a number of years during my tenure and my understanding intends to serve as the event planner for the Swan Ball 2025. As she explains, The Social Office has historically assisted “in coordinating equipment and services required for planning and presenting the Swan Ball.” *Id.* at ¶ 4. This is true.

12. However, the declaration goes on to claim that “[u]ntil the 2024 Swan Ball, The Social Office team members have communicated only with the Swan Ball Chairmen and Swan Ball committee members related to the services listed above” and “did not interact with any Cheekwood staff member or employee regarding design, production,” *Id.* at ¶¶ 6; 9.

13. This is not true. As shown in the email excerpt pasted below (the thread of which is attached as **Exhibit 1**), I have been meeting with and working directly with The Social Office and Ms. Waller as COO of Cheekwood regularly since at least 2017.

From: Beth Murdock [REDACTED]@cheekwood.org
Sent: Thursday, June 8, 2017 9:25 AM
To: Elizabeth Nichols <[REDACTED]>; 'Julia Jarman ([REDACTED])' <[REDACTED]>; Caroline Mazey <[REDACTED]@cheekwood.org>
Subject: Meeting with Dori

Good morning!

As follow up to the Swan Ball Executive Committee meeting earlier this week, I have been in touch with Dori to schedule a wrap up meeting with her. She will be in town the week of June 19th, and is available anytime in the afternoon on Tuesday, June 20, all day Wednesday and all day Thursday. My schedule is flexible that week as well so if you could let me know days/times that work best for you I will coordinate with Dori and get space reserved. Also, if there are others you would like to include, please do so.

14. Elizabeth Nichols, to whom I sent the above email, was a member of the SB Executive Committee at the time. I understand that she is now a director of SBI. As shown by her responses (excerpts of which are pasted below for convenience), she is well aware that I attended these meetings, and that it would be inaccurate to claim that I “did not attend *any* preproduction

or production meetings with event planners, did not review plans policies or conflicts, did not advise on access or vendor guidelines, parking transportation lighting or sound, etc.”.

From: Elizabeth Nichols [REDACTED]
Sent: Monday, June 19, 2017 1:16 PM
To: Beth Murdock <[REDACTED]@cheekwood.org>; Julia Jarman <[REDACTED]>; Caroline Mazey <[REDACTED]@cheekwood.org>
Subject: Re: Meeting with Dori

Ladies –

Look forward to seeing everyone tomorrow at 1:30. As we have our first mini committee meeting with the 2018 Chairmen at my house later in the afternoon, I would request that you all come to me for the meeting tomorrow – 416 Jackson Boulevard.

Please let me know if this is a problem.

Beth –

Will you provide agenda items that you wanted to discuss relative to Cheekwood please and Dori, while I know you are meeting at our request, I would love to have an idea if there are any specific items you would like to/feel we should discuss. Caroline, please also let me know what you think we must cover.

I will be working on thoughts from the SB Exec side with Julia.

From: Beth Murdock <[REDACTED]@cheekwood.org>
Date: Monday, June 19, 2017 at 3:51 PM
To: Elizabeth Nichols <[REDACTED]>, Julia Jarman <[REDACTED]>, Caroline Mazey <[REDACTED]@cheekwood.org>
Subject: RE: Meeting with Dori

Hi Ladies –

I put together an outline (attached) from our previous discussion of broad topics we may want to cover in our meeting tomorrow. Topics are the same for all 3 events (assuming Patron party is at Cheekwood again next year). Let me know if you have any questions or need anything else – otherwise I will see you all at 1:30 tomorrow at Elizabeth's.

Thanks.

[REDACTED]

Beth Murdock
Chief Operating Officer | Cheekwood
1200 Forrest Park Drive | Nashville TN 37205

Re: Meeting with Dori

Elizabeth Nichols

To: Beth Murdock; Julia Jarman; Caroline Mazey

Sent: 6/19/2017 5:51 PM

OK great...why don't we start with that!

eliz

From: Beth Murdock <[REDACTED]@cheekwood.org>

Date: Monday, June 19, 2017 at 4:40 PM

To: Elizabeth Nichols <[REDACTED]>, Julia Jarman <[REDACTED]>, Caroline Mazey <[REDACTED]@cheekwood.org>

Subject: RE: Meeting with Dori

Elizabeth –

My understanding from our previous meeting was to discuss with you all and Dori what worked well and what needs addressing for the coming year as it relates to Swan Ball logistics with Cheekwood as we heard a lot about the communication issues from this year. We also discussed the possibility of having some kind of a manual going forward that could be passed down from year to year for the incoming Chairs. Those were some of my thoughts on what we can do going forward to improve the interfacing between designers, project managers, chairs, etc. I am happy to participate in whatever way works best for you all.

Beth

Beth Murdock

Chief Operating Officer | Cheekwood
1200 Forrest Park Drive | Nashville TN 37205

15. Contrary to SBI's claims, I have had many meetings and communications with co-chairs as well as with vendors in connection with the Swan Ball in my time with Cheekwood, including The Social Office. I cannot attach every email since 2017 but have highlighted some examples here. An excerpt of a 2018 email from The Social Office to me thanking me for my attendance at production meetings for the Swan Ball is pasted below. The thread is attached hereto as **Exhibit 2**.

RE: Cheekwood responsibilities for SB

Dori Thornton Waller

To: Beth Murdock

CC: [REDACTED] The Social Office Events

Sent: 4/2/2018 10:41 PM

Hi Beth!

This looks terrific! Thank you so much for attending our painful production meetings, so grateful to you for your help!

I have reviewed and am good with this, but I have asked Deidre to look through as well and let us know if she sees anything I don't.

Thank you Beth!

dori

From: Beth Murdock [REDACTED]@cheekwood.org]

Sent: Friday, March 30, 2018 11:07 AM

To: Dori Thornton Waller <[REDACTED]>

Subject: Cheekwood responsibilities for SB

Hi Dori –

Great to see you yesterday – can't believe the ball is just 2 months away!

I took the liberty of using your timeline to cut and paste into a new document for Cheekwood staff to know what needs to be moved when, security needs, etc. Could you please review – or forward to Deirdre to review and let me know if anything is incorrect or if I missed anything. I did not include all of Tom and Luis's duties as I know you are dealing with them directly – just those that they have to coordinate with other departments.

Thanks so much!

Beth

[REDACTED]

Beth Murdock

Chief Operating Officer | Cheekwood

1200 Forrest Park Drive | Nashville TN 37205

t [REDACTED]

www.cheekwood.org

16. Attached as **Exhibit 3** is an email thread from June 1, 2018 showing Ms. Waller and I communicating about working with the teams, wherein Ms. Waller proclaims: “Beth, You have been AMAZING! Such a level-headed, problem solver! So grateful to you!, Best, Dori.” *Id.*

17. As recently as March 6, 2024, Ms. Waller was emailing me about the Swan Ball, including a list of “Beth Action Items” that include speaking to other vendors like “United,” asking “PMC for discount,” and reviewing “Quest discount and inquire if further discount desired,” etc. *Id.* The Social Office “Action Items” include “Have PBS order to Beth by March 18-update, we have to have all underwriting confirmed by 3/14 for Auction Brochure printing, so we will have

this to you this week for Jane [MacLeod] to make ask” and “send PMC bill to Beth [i.e., me].” The email thread is attached as **Exhibit 4**.

18. Attached hereto as **Exhibit 5** is an email from another vendor/event planner for the Swan Ball, Marte Kerrigan Christian of Page & Windrow, thanking me (and Jessica Ware) for being so wonderful to work with and so crucial in making this year [Swan Ball 2023] run so smoothly. You deserve many thanks and much more.” *Id.*

19. Attached hereto as **Collective Exhibit 6** are examples of emails inviting me along with others to weekly production meetings for the Swan Ball 2022.

20. These are just a few examples of my involvement in the Swan Ball. Starting in 2017 and through 2024, my involvement has only increased with each year. My role over the years has included coordinating Cheekwood’s event schedule with the Swan Ball planners and chairs, communicating the policies and procedures for the Swan Ball, obtaining permits and law enforcement advisories and attending production meetings; developing a heightened security plan for the Swan Ball at the request of the chairs, and attending vendor meetings and production meetings; strategizing about various aspects of holding an event during the pandemic in 2020 and 2021. There were numerous meetings I attended to discuss options, protocols, approvals from Metro Government and permits. Following the pandemic in 2022, I attended nearly all (if not all) Zoom and in-person meetings with the Swan Ball planners and their production teams, chairs, and vendors. I was called upon to approve, coordinate and assist with many aspects of the planning and production of the Swan Ball. In 2023, the Swan Ball planners involved me in all meetings related to production, logistics, site operations and security. The 2024 Swan Ball planners had worked on previous Swan Balls so once again, I attended all production meetings and advised on decisions related to the operations and logistics of the ball.

21. As reflected in Jane MacLeod's Declaration, the fact is that as COO of Cheekwood, I have been involved consistently for years in the operational aspects of the Swan Ball, including but not limited acting as the point person on the operational and logistical aspects of the Swan Ball, and in that regard I worked directly with vendors, attended pre-production and production meetings with event planners to review plans, policies, and conflicts; advising on all decisions relating to access, vendor guidelines, conflicts with other Cheekwood events, security, parking, transportation, lighting, and sound approvals; obtaining Special Occasion Permits for consumption of donated alcohol; coordinating outside security for the Swan Ball and associated events; developing emergency and evacuation policies; and coordinating with Metro and Belle Meade law enforcement.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 8, 2024



Beth Murdock
Chief Operational Officer of Cheekwood
Botanical Garden and Museum of Art